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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,377	07/01/2003	Fabrice Vitry	112-03	3701

27569 7590 10/28/2005

PAUL AND PAUL
2000 MARKET STREET
SUITE 2900
PHILADELPHIA, PA 19103

EXAMINER

GALL, LLOYD A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,377

Applicant(s)

VITRY ET AL.

Examiner

Lloyd A. Gall

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

In response to the amendment After-Final filed on October 13, 2005, the following is a Final rejection which takes the place of the last Final rejection. This action is properly made Final, as the claims were extensively amended after the first Office action, and claimed the spring as being located in a pocket along the shaft. It was after that time that the examiner included a rejection in the event that the pocket was being claimed as being within the shaft.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 8-10, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Richbourg (920).

Richbourg teaches a button pawl shaft (latch) on a first panel 15 and cooperable with a second panel defined by portions 41, 42 of a frame, the shaft 11, 12, 26 having ramp-shaped pawls 18, 19 at its ends to be capable of engaging keepers 41, 42, a pocket 44 within the shaft which receives a pre-compressed torsion spring 43 therein to bias the pawls against the keepers, a button 24, 17 to permit rotation of the shaft, a bezel defined by either of elements 10, 27, Wherein the shaft includes a center piece 26 with a recess at each end to receive the end protuberances of the end pieces 11, 12.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richbourg in view of Womer.

Womer teaches a lock plug 90 including opposed protuberances 94, 96 to engage ribs (the edges of the openings 100, 102) to allow or prevent a button 74 from actuating a shaft 46 mounted latch 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a key-actuated protuberance/rib lock with the push button of Richbourg, in view of the teaching of Womer, the motivation being to restrict actuation of the latch to only those who are authorized with a proper key.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richbourg in view of Miller (759).

Miller teaches a monolithic shaft 18. It would have been obvious to substitute a monolithic shaft for the shaft of Richbourg, in view of the teaching of Miller, the motivation being to simplify manufacture and assembly of the shaft and latch.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richbourg in view of Dickinson et al.

Dickinson teaches a snap connection 56, 104 between a bezel 100 and a shaft 56. It would have been obvious to modify the shaft of Richbourg such that it is snap

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connected to the bezel, in view of the teaching of Dickinson, the motivation being to provide a secure connection for the shaft in the bezel.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richbourg in view of Dickinson et al as applied to claim 11 above, and further in view of Fountaine.

Fountaine teaches a shaft 17' in fig. 7 which includes an axis having a flat (which abuts stops 31 or 32) to define a detent position. It would have been obvious to provide a flat detent for the shaft of the modified Richbourg reference, in view of the teaching of Fountaine, the motivation being to establish limits of shaft rotation, to prevent over-rotation thereof.

Claims 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richbourg in view of Dickinson and Weinerman.

Dickinson teaches a shaft snap connected at 56, 104 as set forth above. Weinerman teaches a (at least) two part bezel 510, 522, 340 for a shaft 120. It would have been obvious to modify the shaft/bezel connection of Richbourg to include a snap connection of the two part type, in view of the teaching of Dickinson and Weinerman, the motivation being to provide a secure rotatable connection for the shaft.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richbourg in view of Dickinson et al as applied to claim 11 above, and further in view of Womer.

Womer teaches a lock plug 90 with opposed protuberances 94, 96 to engage ribs (the edges of openings 100, 102) to allow or prevent a button 74 from actuating a shaft 46

mounted latch 44. It would have been obvious to provide a key-actuated protuberance/rib lock with the push button of Richbourg, in view of the teaching of Womer, the motivation being to restrict actuation of the pushbutton to only those who are authorized with a key.

Applicant's arguments with respect to claims 1, 2, 4-13 and 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

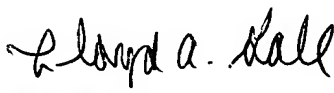
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
October 26, 2005


Lloyd A. Gali
Primary Examiner